

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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TERRELL A. BERRY,

Plaintiff,

-v-

9:20-CV-177

CORRECTIONAL OFFICER  
C. TREMBLAY *et al.*,

Defendants.

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APPEARANCES:

OF COUNSEL:

TERRELL A. BERRY

Plaintiff, Pro Se

19-A-2478

Franklin Correctional Facility

P.O. Box 10

Malone, NY 12953

HON. LETITIA JAMES

New York State Attorney General

Attorneys for Defendants

The Capitol

Albany, NY 12224

KONSTANDINOS D. LERIS, ESQ.

DAVID N. HURD

United States District Judge

**ORDER ADOPTING REPORT & RECOMMENDATION**

On February 20, 2020, pro se plaintiff Terrell A. Berry ("plaintiff") filed this civil rights action alleging that defendants violated his constitutional

rights while he was incarcerated at Franklin Correctional Facility. Dkt. No.

1. Following an initial review of the complaint, this Court ordered a response to plaintiff's First Amendment retaliation claims against defendants Tremblay and Finnel. Dkt. No. 14. Thereafter, defendants moved to dismiss plaintiff's complaint for failure to state a claim. Dkt. No. 22.

On April 22, 2021, U.S. Magistrate Judge Thérèse Wiley Dancks advised by Report & Recommendation ("R&R") that defendants' motion to dismiss be granted and that plaintiff's complaint be dismissed. Dkt. No. 32. Plaintiff has filed objections. Dkt. No. 37.

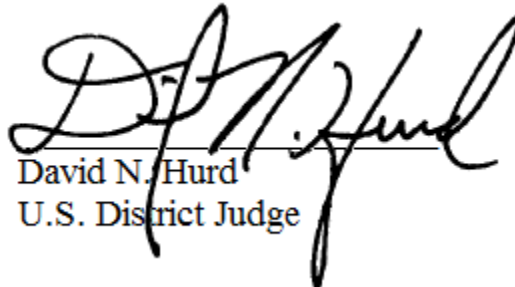
Upon *de novo* review of the portions to which plaintiff has objected, the Report & Recommendation is accepted and adopted in all respects. *See* 28 U.S.C. § 636(b)(1)(C).

Therefore, it is

ORDERED that

1. The Report & Recommendation (Dkt. No. 32) is accepted and adopted;
- and
2. Plaintiff's complaint is DISMISSED.

IT IS SO ORDERED.

  
David N. Hurd  
U.S. District Judge

Dated: June 23, 2021  
Utica, New York.